

COMMONWEALTH OF MASSACHUSETTS  
HOUSING APPEALS COMMITTEE

---

RUGGED SCOTT, LLC,

Appellant

v.

NANTUCKET BOARD OF APPEALS,

Appellee

---

No. 04-13

**REVISED RULING ON MOTION TO INTERVENE (DIAS)**

Lisa Dias, an abutter to the proposed housing, has moved to intervene in this matter. Her motion was denied on September 27, 2004.<sup>1</sup> She moved for reconsideration of that denial, and I granted that motion in order to give her an opportunity to allege facts demonstrating that she is likely to be substantially and specifically affected by the proposal before the Committee.

The standards that we apply to motions to intervene and their application to Ms. Dias' circumstances are discussed in detail in my September 27 ruling. Based upon those principles, I hereby grant her motion in part. Through counsel, Ms. Dias may participate in the hearing as an intervening party, but her participation will be strictly limited to those matters by which she is substantially and specifically affected as she has specifically alleged. She may participate with regard to her allegation that lights from the proposed property will shine onto her property and residence. She may participate with regard to her allegation that

site preparation, construction, and construction traffic will cause noise, dust, and vibration effects. She may not participate with regard to matters of concern to the residents of the neighborhood generally or matters of concern to the town generally. Nor may she may participate with regard to financial, programmatic, or monitoring concerns, which are within the province of the Board or the subsidizing agency. Finally, Ms. Dias alleges that because of clearing of trees on the proposed site, her “views and and vistas... will be diminished (whereas she now has views of undeveloped land),” and that construction of affordable housing with a semi-public clubhouse and at a density greater than would be permitted by the underlying zoning “will dramatically reduce [her] property value.” While possible diminution of property value is a harm specific to Ms Dias, the cause of the alleged diminution is sufficiently general and commonplace that I find that as a matter of law and policy these claims are not cognizable under the Comprehensive Permit Law. Cf. *Michaels v. Conlon*, No. 282161 (Mass. Land Ct. Sep. 1, 2004). Therefore she will not be permitted to present evidence with regard to them.

Housing Appeals Committee



Werner Lohe, Chairman  
Presiding Officer

Date: October 14, 2004

LPclh

---

1. Due to a typographical error, that ruling was dated September 17, 2004.